

REMARKS

Claims 1-11, 14-15 and 17-18 have been previously canceled. Claims 16 and 19 are currently amended and no claim has been added or canceled or added by way of this response. The Office Action Summary incorrectly listed claims 14, 15, 17 and 18 as withdrawn; however, they were previously cancelled. Thus, claims 12-13, 16 and 19-30 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Objections:

The Examiner has objected to claims 16 and 19 due to informalities. Applicants have amended claims 16 and 19 to resolve the informalities and request the Examiner withdraw the objections.

Response to Rejections Under Section 112:

Claims 12, 28 and 29 have been amended herein to eliminate the term "essentially" thereby overcoming the rejections under 35 U.S.C. § 112, second paragraph.

Response to Rejections Under Section 102:

Claims 12-13, 16, 20-23 and 28 stand rejected under 35 U.S.C § 102(e), the Examiner contending that these claims are anticipated by Mizuno et al (USPN 2004/0161658).

Mizuno:

As Applicants have pointed out in their previous Office Action response dated October 29, 2008, Applicants effective filing date based upon the claim of priority to the parent German application, 10323882.4, is May 26, 2003 which is before the filing date of Mizuno et al. (February 13, 2004) therefore, Mizuno et al. is not prior art as applied to the instant application.

Applicants are providing an English language translation of the German priority document herewith to perfect Applicants claim of priority to the May 26, 2003 effective filing date.

In light of the above, Applicants respectfully request that the Examiner withdraw the Section 102 rejections.

Response to Rejections Under Section 103:

Claims 12-13, 16, 19 and 22-30 stand rejected under 35 U.S.C § 103(a) as being obvious over Mattejat et al. in view of Nolscher and Enami and claims 20-21 are rejected under 35 U.S.C § 103(a) as being obvious over Mattejat et al. in view of Nolscher and Enami and further in view of Yasuo et al..

Claims 12 and 30:

Applicants claims 12 and 30 each recite in part:

... the first fluid chamber for the coolant has two subchambers each facing one of the two plates and wherein **the coolant can only flow alternately through the two subchambers.**

Claim 28:

Applicants claim 28 recites in part:

... wherein the fluid chamber for the coolant has two subchambers each facing a plate and wherein **coolant can only flow through said fluid chamber alternately through the two subchambers.**

Claim 29:

Applicants claim 29 recites in part:

... which subchambers provide a **flow path solely on an alternating basis ...**

In the instant Office Action, the Examiner contends that Mattejat et al. teaches "... the coolant can only flow alternately through the two subchambers," citing col. 7, lines 49-66 and figures 4-6. Applicants strongly disagree with the Examiners contention and respectfully submits that the cited passage is completely silent as to coolant flow path and in fact merely discusses arrangement of the adjacent layers to prevent relative motion between the layers. Moreover, figures 4-6 clearly show how the coolant of Mattejat et al. **can not flow solely or exclusively alternately through the two subchambers** because the protuberances of Mattejat et al. are contacting one another to effectively seal off the coolant flow at the point of contact and therefore force the coolant to **flow around** the protuberances within the current subchamber and **not into the alternate subchamber**. In contrast, Applicants inventive flow path has staggered protuberances which force the coolant to flow alternately between the sub chambers which is embodied in claims 12 and 28-30.

Furthermore, Nolscher and Enami both teach straight cooling channels without protuberances which do not have sub chambers, therefore they **can not teach or suggest** Applicants' claimed coolant flow path.

Applicants respectfully submit that the cited prior art does not teach Applicants claimed invention as discussed above and therefore fails to establish a prima facie case of obviousness with respect to claims 12 and 28-30. Furthermore, Applicants respectfully submit that claims 13, 16, 19 and 22-27 are patentable at least based on their dependence from claim 12 as well as on their own merits and respectfully request the Examiner to withdraw the Section 103 rejections.

Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the objections and rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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